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LEGISLATIVE COUNCIL

PARLIAMENT HOUSE

ADELAIDE, S.A. 5000

Our ref: AB/11-075

Thursday, 29th September 2011

Mr Stephen Pallaras QC,
Director,
Office of Public Prosecutions
GPO Box 464,
ADELAIDE SA 5001

Dear Director,

RE: Indeterminate Detention of Mark Trevor Marshall

I write to seek clarification about the indeterminate detention of Mark Trevor Marshall in accordance with s 23 of the *Criminal Law (Sentencing) Act 1988*.

It is my understanding that Mr Marshall on the 15th July 2011 successfully sought to have his indeterminate detention order lifted. As Justice Nyland's judgement is yet to be published, I have been unable to confirm whether this order was opposed by the Office of Public Prosecutions and I seek clarification on that matter. I am also keen to know whether the Office of Public Prosecutions could have appealed the determination, if inclined.

As you would be aware, however, on the 26th September 2011, Justice Nyland stayed her earlier order, given Mr Marshall's inability to secure appropriate accommodation and apparently for concerns about his personal safety. Justice Nyland added that she had concerns that Mr Marshall, when stressed, may regress to a childhood state, an explanation given for his lifetime of sexually offending against children. Surely if Justice Nyland is now not convinced of his stability, the Office of the Director of Public Prosecutions would have serious concerns about children in the community he was released into.

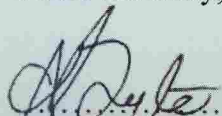
Given Justice Nyland's decision to stay the order, does this now require a rehearing to determine whether the Mr Marshall can be released, or can the original order be resumed if the Court is sufficiently satisfied to do so?

You would no doubt be aware of the significant community concern at the prospect of Mr Marshall's release. From the feedback I have received, it is clear that many in the community believe that Mr Marshall, through his continual reoffending, has exhausted any prospect of liberty. It is widely believed that Mr Marshall will reoffend, whether he is under stress or not.

From my public comments, it should be clear that I believe any attempts for freedom by Mr Marshall should be opposed. I believe I have the support of the community in expressing this.

I leave this with you for your consideration and await your reply.

Yours sincerely,


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Hon Ann Bressington MLC

